

CLERK: 25 ayes, 7 nays to cease debate, Mr. President.

PRESIDENT: Debate has ceased. Senator McFarland, would you like to close on your motion, please?

SENATOR MCFARLAND: Yes, I would, Mr. President. Thank you. Fellow senators, the first exception that we have adopted specifically relates to the prison murder circumstance and it is a clearly defined exception in my view. It allows for the death penalty to be imposed for someone who is a convicted murderer who kills a prison guard, who may kill a hostage, who may kill a visitor at a prison or a person while he or she is trying to escape and it applies across the board. It seems to me that this second exception is a clearly defined exception as well and that is to allow the death penalty for a murderer who has killed someone specifically for money, the contract for hire example. I think that that is a circumstance that is clearly defined so that it will be applied uniformly in every circumstance. I think it is totally appropriate to consider the death penalty in that circumstance because the person has shown a total disregard for human life if he or she is killed just for the money, just as a contract for hire because in almost all circumstances that type of killing, on the contract for hire, is done to a victim who may be totally unknown to that murderer. The killer for hire, it seems to me, has no remorse, has no feeling. It's a cold, calculated and deliberate act and, again, in that circumstance the deterrent argument may possibly make sense because it is a premeditated and a deliberative act that they have thought out ahead of time and they have done it specifically for the money involved. I think it is an exception that we should consider and should acknowledge because I think it allows the death penalty to be applied appropriately in a consistent and fair fashion and not to be arbitrarily and selectively imposed as it is now with the law defined so broadly as it is. So I would ask for you to make one more clear exception and then I'm through because this is the only amendment I have offered. This seems to be a circumstance upon consideration to me where you can say this group of murderers is an easily identifiable group, it is a group that we should...where the death penalty may very well be appropriate and it is one that can be consistently and uniformly applied and I would ask for your adoption of the amendment.

PRESIDENT: The question is the adoption of the McFarland amendment. All those in favor vote aye, opposed nay. Have you all voted that care to? Record, Mr. Clerk, please.